

**Do Not Pass Testimony  
of Doug Sharbono, citizen of North Dakota  
on SB2303  
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chair Roers and members of the Senate State and Local Government Committee,

I am writing as a citizen and believe SB2302 is well-intended and tries to address a specific problem but will cause difficulty in the general construction of basements. Please give it a Do Not Pass recommendation.

Section 1, Line 9 requires a soil scientist or soil classifier to establish the ordinary high water mark, which will be used to determine the maximum depth of basement. Within the last couple of years local to Fargo, it is near impossible to engage a geotechnical engineer for residential construction. A previous relationship with the property owner would have needed to be established to be eligible for services in many cases. Furthermore, even on commercial projects, it is difficult to get a geotechnical engineer to investigate soil conditions and do testing in rural outlying areas. Most home construction does not engage a geotechnical engineer. This new requirement would be a shock to the sticker price of ordinary home construction.

I would question the use of general maps of an agricultural soil scientist for determination of the ordinary high-water mark for building construction. These would not be adequately specific and could provide either a false confidence or be overly restrictive.

Finally, the ordinary high water mark for any location that doesn't have a published value given by the U.S. Army Corps of Engineers for bodies of water is suspect. This could prohibit residential construction in Fargo as an example. In the spring of the year, it would not be abnormal at my own residence to have the water table just a foot or less below the ground surface due to the fat clays below having a slow percolation rate. This bill would generally prohibit residential basement construction in Fargo as it is currently written.

Please give SB2303 a Do Not Pass.

Thank you,  
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